

## **REMARKS**

Prior to this Reply, Claims 1-59 were pending. Through this Reply, Claims 1-4, 7, 13, 17, 22, 26, 27, 32, 44-49 and 54 have been amended, while Claims 60-67 have been added. In addition, Claims 8, 28, 29, 37, 38, 42 and 43 have been cancelled without prejudice to, or disclaimer of, the subject matter contained therein. Accordingly, Claims 1-7, 9-27, 30-36, 39-41 and 44-67 are now at issue in the present case.

### **I. Drawings**

In the Office Action, the Examiner objected to the drawings because they were informal. The Examiner indicated that a proposed drawing correction or corrected drawings were required in order to avoid abandonment of the application.

In response, Applicants are submitting five (5) sheets of replacement drawings illustrating Figs. 1, 2, 3, 4, 5, 6, 7, 8 and 9. No new matter has been added.

### **II. Rejection of Claims 1-6, 36, and 40-44 Under 35 U.S.C. § 112**

The Examiner rejected Claims 1-6, 36 and 40-44 are rejected under 35 U.S.C. § 112, first paragraph. The Examiner states that “skew angle is zero degrees when said read element and said write element are located off of said data storage region” is not supported by the specification. Without necessarily agreeing with the Examiner, the specification has been amended to add the quoted language. This language does not represent new matter because the language substantially appeared in the originally-filed claims (MPEP § 2163.06). Accordingly, Applicants submit that the rejection of Claims 1-6, 36 and 40-44 under 35 U.S.C. § 112, first paragraph, has been overcome.

### **III. Rejection of Claims 1-13, 15-22, 24-35 and 36-45 Under 35 U.S.C. § 102(b)**

The Examiner rejected Claims 1-13, 15-22, 24-35 and 36-45 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,945,427 to Cunningham (hereinafter “Cunningham ‘427”).

#### **A. Claim 1**

Applicants submit that Claim 1 (as amended) is patentable over Cunningham ‘427 because Cunningham ‘427 fails to disclose a disk drive wherein the skew angle never has a magnitude less than 45 degrees while said read and write elements are located over said data storage region. Support for the amendment to Claim 1 can be found at least at page 15, line 21 through page 16, line 3 and page 17, lines 4-7.

In contrast, all embodiments disclosed by Cunningham ‘427 provide for a skew angle that falls below 45 degrees over at least a portion of the data storage region. For example, in Col. 4, lines 3-5, the skew angle falls to 5 degrees. At Col. 4, lines 8-11, the skew angle falls to 32 degrees. At Col. 5, line 67 through Col. 6, line 2, the skew angle falls to 5 degrees. At Col. 7, lines 13-16, the skew angle falls to 32 degrees.

The Examiner states (with regard to Claims 8 and 9) that Cunningham ‘427 discloses that the skew angle “is” 45 degrees or “is greater than” 60 degrees (respectively). However, these assertions do not relate to the now-amended claim language which indicates that the skew angle never falls below 45 degrees as long as the read and write elements are over the data storage region.

For at least the above reasons, Applicants submit that Claim 1 is patentably distinguishable from Cunningham ‘427.

**B. Claims 7, 17, 26, 32 and 45**

Claims 7, 17, 26, 32 and 45 have been amended in a manner similar to Claim 1.

Accordingly, Applicants submit that Claims 7, 17, 26, 32 and 45 are patentably distinguishable from Cunningham ‘427 for reasons similar to those provided in connection with Claim 1.

**C. Claims 2-6, 9-13, 15, 16, 18-22, 24, 25, 27, 30, 31, 33-36, 39-41 and 44**

Applicants submit that Claims 2-6, 9-13, 15, 16, 18-22, 24, 25, 27, 30, 31, 33-36, 39-41 and 44 (all of which depend, directly or indirectly, from one of Claims 1, 7, 17, 26, 32) are patentably distinguishable from Cunningham ‘427 for reasons similar to those provided in connection with Claim 1.

**IV. Rejection of Claims 14 and 23 Under 35 U.S.C. § 103**

The Examiner rejected Claims 14 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Cunningham ‘427 in view of U.S. Patent No. 5,793,550 to Nepala et al. (hereinafter “Nepala”). Applicants submit that Claims 14 and 23 are patentably distinguishable from Cunningham ‘427 and Nepala at least because such claims depend from Claims 7 and 17, respectively.

**V. Rejection of Claims 46-59 Under 35 U.S.C. § 103**

The Examiner rejected Claims 46-59 under 35 U.S.C. § 103(a) as being unpatentable over Cunningham ‘427 in view of U.S. Patent No. 5,790,341 to Cunningham (hereinafter “Cunningham ‘341”).

**A. Claims 49 and 54**

Applicants have amended Claims 49 and 54 in a manner similar to Claim 1.

Accordingly, Applicants believe that Claims 49 and 54 are patentably distinguishable from Cunningham '427 and Cunningham '341 for reasons similar to those presented in connection with Claim 1.

**B. Claims 46-48, 50-53, and 55-59**

Applicants believe that Claims 46-48, 50-53 and 55-59 are patentable at least because they depend, directly or indirectly, from one of Claims 45, 49 and 54.

**VI. New Claims 60-67**

Applicants believe that new Claims 60-67 are patentable at least because they depend from one of Claims 1, 7, 17, 26, 32, 45, 49 and 54, and for other reasons as well. Claims 60-67 are patentable because Cunningham '427 fails to disclose a disk drive with high skew angles in which the head is substantially rectangular. On the contrary, according to Cunningham '427, head 50 has parallel flying rails 41, 42 but has leading/trailing edges at an angle of 72 to 35 degrees with respect to the sides of the rails (Col. 7, lines 52-62, and Fig. 3). Accordingly, Cunningham '427 fails to disclose a high skew angle disk drive with a substantially rectangular head.

## **VII. Amendments to Certain Claims**

Claims 2 and 3 have been amended to broaden such claims. Claims 4, 13, 22, 44 and 46-48 have been amended to correct typographical or grammatical errors.

## **VIII. Additional Claim Fees**

In determining whether additional claim fees are due, reference is made to the Fee Calculation Table (below).

**Fee Calculation Table**

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(c))	60	Minus	59	= 1	x \$50 =	\$ 50.00
Independent (37 CFR 1.16(b))	8	Minus	8	= 0	X \$200 =	\$ 0.00

As set forth in the Fee Calculation Table (above), Applicants previously paid claim fees for fifty-nine (59) total claims and for eight (8) independent claims. Therefore, Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-2198 in the amount of \$50.00 for the presentation of one (1) total claim over fifty-nine (59) in connection with Fee Code 1202. Although Applicants believe that no other fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for any fee deficiencies associated with filing this paper.

## **IX. Conclusion**

It is believed the above comments establish patentability. Applicants do not necessarily accede to the assertions and statements in the Office Action, whether or not expressly addressed.

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,



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